

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES OF AMERICA**

**v.**

**JOHN WILLIS, et al.**

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**No. 1:11-cr-10212-JLT-1**

**MOTION FOR LEAVE TO WITHDRAW DEFENDANT’S  
MOTION FOR ORDER TO STAY FORFEITURE PROCEEDINGS**

Defendant John Willis (“the defendant”), by and through undersigned counsel, hereby respectfully moves this Honorable Court for leave to withdraw his previously filed Motion for Order to Stay Forfeiture Proceedings [Document 125] (the “Motion”). As grounds therefor, the Defendant avers and states:

1. On August 23, 2011, the defendant filed the above-referenced Motion requesting a stay of certain forfeiture proceedings appearing inextricably linked to the underlying issues of the instant case. The defendant’s Motion was filed as a prophylactic measure against the possible waiver of any rights or the implication of negative inferences in the instant matter to be drawn from making a formal claim under the pains and penalties of perjury in the forfeiture proceedings.
2. On August 25, 2011, the government filed its Initial Response [Document 129] to the Motion, arguing that the defendant’s request was premature because he had not formally filed a claim with the respective government agencies seeking forfeiture, and was thus not a claimant within the meaning of the applicable statute(s). Further, the government

indicated that should the defendant file timely administrative claims, the government would, as appropriate, add any applicable forfeiture allegations to the instant criminal matter either via a forfeiture bill of particulars or superseding indictment, which would preserve the United States' right to seek forfeiture while permitting the defendant to fully adjudicate the issue of criminal responsibility prior to the issue of the forfeiture of property interests.

3. In this same response, the government also noted that it had spoken with undersigned counsel about his pending motion and, as a result, was requesting (jointly with the defendant) a postponement of any further action on the defendant's Motion pending further conferral with the defendant about the option of filing administrative claims rather than seeking a stay.
4. Since then, undersigned counsel has informed the government that the defendant has elected not to claim any interest in any of the subject property or items. As such, he will neither pursue any related administrative claims nor seek to stay any related administrative proceedings.
5. In view of the defendant's election (not to claim an interest in any of the property at issue in the forfeiture proceedings) the procedural issues mentioned above are moot and, given the defendant's stated election not to claim any of the subject property or items, he hereby respectfully requests leave to withdraw his Motion to Stay.

WHEREFORE, the defendant respectfully moves this Honorable Court for leave to withdraw his previously filed Motion for Order to Stay Forfeiture Proceedings.

Dated: August 30, 2011

Respectfully submitted,  
JOHN WILLIS  
By and through his attorneys,

/s/ R. Bradford Bailey  
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**Certificate of Service**

I, R. Bradford Bailey, hereby certify that on this the 30<sup>th</sup> day of August 2011, I have served all parties of record registered with ECF for this matter with a true copy of the foregoing *Motion for Leave to Withdraw Defendant's Motion for Order to Stay Forfeiture Proceedings* by virtue of transmitting the same to the Court via the CM/ECF system, and have served a copy upon the designated representatives of the U.S. Customs and Border Protection and the Federal Bureau of Investigation, respectively, by U.S. mail.

/s/ R. Bradford Bailey  
R. Bradford Bailey